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South Carolina's Legislative Process

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S.C. House of Representatives

FOREWORD

This booklet has been developed to help bring about a better understanding of the procedure of lawmaking in South Carolina. We have attempted to give an overall view of the inside workings of the legislature, and have also included a glossary of legislative terms, which can be found beginning on page 8.

May, 1984
(5th Edition)

SOUTH CAROLINA'S LEGISLATIVE PROCESS

History

In order to understand the legislative process, it is necessary first of all to know something about the nature of the lawmaking body itself. The Legislature of South Carolina consists of two houses, the Senate and the House of Representatives. There are 170 Members in all - 46 Senators and 124 Representatives representing single districts based on population.

To be eligible for the office of Representative, a person must be at least 21 years of age. Senators must be 25, and both must be duly qualified electors and must reside in their respective districts.

Members are protected in their persons and estates during their attendance on going to and returning from the General Assembly, and ten days previous to the sitting and ten days after the adjournment, except where a Member is charged with treason, felony or breach of the peace.

The House shall punish its Members for disorderly behavior, and with the concurrence of two-thirds, expel a Member, but not a second time for the same cause.

Members of the House serve for two years, Senators serve for four years. The terms of office of the Members begin on the Monday following the General Election, which is held in even numbered years on the first Tuesday after the first Monday in November.

The Members of the House of Representatives shall meet on the first Tuesday following the certification of the election of its Members for not more than three days following the general election for the purpose of organizing. The usual business transacted at an organizational session would include: election of officers, appointment of standing committees, adoption of rules, allocation of desks, etc. The presiding officer in the House of Representatives is the Speaker, who is elected by the House for the entire two-year term from among the House Membership. Other officers elected are the Speaker Pro Tempore, Clerk of the House, Chaplain, Reading Clerk, Sergeant-at-Arms and Assistant Sergeant-at-Arms.

The Lieutenant Governor serves as President of the Senate, ex officio and while presiding in the Senate, has no vote, unless the Senate be equally divided. The

Senate also chooses a President Pro Tempore to act in the absence of the Lieutenant Governor. Other Senate officers elected are Clerk, Chaplain, Reading Clerk, Sergeant-at-Arms and Assistant Sergeant-at-Arms.

The Legislature convenes in regular session annually in Columbia on the second Tuesday in January and must adjourn sine die not later than the first Thursday in June except when an extension is voted by a two-thirds vote of both Houses. Normally, the House meets in statewide session on Tuesday, Wednesday and Thursday, and on Friday for local uncontested matters. The Governor may on extraordinary occasion convene the General Assembly in extra session.

Each Member of the House and Senate receives \$250.00 compensation per day not to exceed forty days during the regular session.

HOW A BILL BECOMES A LAW

Bills and Resolutions are drafted in the Legislative Council, which is responsible for the organization and operation of the research, reference, Bill drafting facilities available to Members and other incidental functions. A Member tells the attorney the type Bill he would like to introduce and it is drawn up in legal form, given to the Member; and after reading and checking it, he presents it to the Clerk of the House or the Senate. No Bill or Joint Resolution shall have the force of law until it has been read three times and on three separate days in each house, has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives.

Bills may be prefiled before the formal beginning of a session. Prefiled Bills are given a number, date or prefiling introduction and referred to committee. A list of prefiled Bills is sent to the Members once a Week. On the first day of the session, all prefiled Bills are officially introduced and read into the record; and should there be committee reports on certain Bills at that time, they too are formally read into the record.

Bills received during the session are introduced and read the first time, given a number and normally referred to the appropriate committee by the Speaker. The Constitution provides that every Bill or Resolution shall relate to but one subject and that shall be

expressed in the title. Some Bills are placed on the Calendar (agenda) without reference. If the Bill is sent to a committee, it must remain there under the House Rules one week before it can be considered. (This rule protects the public and gives the interested parties time to learn about the introduction of the Bill and also time to ask for a public hearing if they desire.) In case of a public hearing, notice must be given by the committee chairman to the Clerk of the House at least five days prior to the time fixed for the hearing and such notice is published in the House Calendar.

All legislative bodies operate mainly through standing committees in doing their work of considering Bills. Committee action is probably the most important phase of the legislative process. There are currently ten standing committees in the House, and each is set up to consider Bills relating to a particular subject of legislation. The committees are: Agriculture and Natural Resources (18 Members); Education and Public Works (18 Members); Legislative Ethics (6 Members); Interstate Cooperation (5 Members); Invitations and Memorial Resolutions (3 Members); Judiciary (25 Members); Labor, Commerce and Industry (18 Members); Medical, Military, Public and Municipal Affairs (18 Members); Rules (15 Members); Ways and Means (25 Members); Operation and Management - advisory to the Speaker on personnel, administration and management of facilities - (7 Members). There are 15 standing committees in the Senate, with membership limited to not less than 5 nor more than 18 Members. The committees are: Agriculture and Natural Resources; Banking and Insurance; Corrections and Penology; Education; Ethics; Finance; Fish, Game and Forestry; General Committee; Interstate Cooperation; Invitations; Judiciary; Labor, Commerce and Industry; Medical Affairs; Rules; and Transportation.

Standing committees are charged with the important responsibility of examining Bills and recommending action to its respective house. At some time during the day when the Legislature is not in session, the committees will meet and consider the Bills which have been referred to them.

After a committee has completed work on a Bill, it reports the Bill together with recommendation when the reports of committees are called for in the daily order of business. The Bill, together with the commit-

tee's report, is placed on the Calendar for second reading and is considered, provided there are not three objections. The rules require that a Bill must be on the desks of the Members at least one statewide day prior to second reading. If a committee has acted on a prefiled Bill during the interim, the Clerk receives the committee report and sends a list to the Members.

On most Bills, the recommendations of the committee are followed, although either house is free to overrule the action of the committee. In order to prevent a committee from killing by inaction a Bill which the Legislature wishes to consider, either house may recall the Bill for consideration by a majority vote.

Bills are listed on the Calendar by number, sponsor and title, in the order in which they are introduced and reported by committees. They are considered for a second reading in that order unless the Bill is contested, either by objection of three Members or an unfavorable committee report. Some Bills, such as the State Appropriations Bill, are set for special order, which moves them to the top of the Calendar. A Bill on second reading may be fully debated, amended, committed or recommitted, tabled, etc.

After a Bill has been discussed, it is voted on by division, voice vote or roll call. A roll call vote is required by rule on second reading of all contested Bills in the House. Other requests for a roll call vote must be seconded by ten Members. The membership of the House is much larger than that of the Senate, and individual voice votes in the House would require a great deal of time. For this reason, a mechanical voting machine has been installed in the House of Representatives. The Members vote by pushing buttons on their desks. Their votes are registered by colored lights which flash on a board in front of the chamber. The board contains all their names, and shows how each Member voted. The votes are also mechanically recorded and entered into the Journal. A request for a roll call vote in the Senate must be seconded by five Senators. The names are called in alphabetical order by the reading Clerk and the votes are entered into the Journal.

On third reading a Bill may be acted on in the same manner as for second reading, except it takes unanimous consent to amend. If a Bill is recommitted and the committee desires to amend it, they are able to do so without unanimous consent, but it still requires a

majority vote of the House for the adoption of the amendment. After the amendments are written into the original Bill and it is signed by the Speaker, it is then signed by the Clerk and transmitted to the Senate by messenger, where it follows practically the same procedure under slightly different rules. If the Senate amends a House Bill, it is returned to the House for consideration. The House may concur or non-concur in the Senate amendment or amend the Senate amendment and return it to the Senate. Should the House non-concur in the Senate amendment, a message is sent to the Senate accordingly and they either insist on or recede from their amendment.

If the Senate insists upon its amendment, a message is sent to the House, together with the names of three Senators appointed on a conference committee by the President of the Senate; and upon receipt of this message, the Speaker of the House appoints three Members of the House on a conference committee. The six conferees meet and try to agree upon a report, and if accomplished, the report is submitted to both houses for adoption; after adoption by both Houses, the Bill is ordered enrolled for ratification. Should the conference committee fail to agree, they may return to their respective houses and request free conference powers, which requires a two-thirds vote of each House. The free conference committee is not limited as to the rewriting of the Bill, whereas the conference committee cannot alter or delete any matter agreed upon by both houses. If the House concurs in the Senate amendment, the Bill is ordered enrolled for ratification and the title changed to that of an Act. At this stage, the Bill is enrolled (rewritten into Act form by the Legislative Council), placed in Act backs (jackets), attached to the original Bill and returned to the house in which it originated to await ratification. At intervals, upon invitation from the Senate, the House appears in the Senate Chamber for the purpose of ratifying Acts; that is, the presiding officers and Clerks of the two houses sign the Acts and they are immediately transmitted to the Governor's office by the Clerk of the Senate. The Governor has five days, Sundays excluded, during the session to approve or disapprove an Act. When he signs the Act or allows it to become Law without his signature, it is sent to the Secretary of State's office to be filed permanently; but if he vetoes the Act, it must be returned, together with his veto message, to the Clerk of the house in which it

originated by midnight of the fifth day. That body may then consider it; and if they override the Governor's veto (this requires a two-thirds majority of each house present and voting, a quorum being present), then it is sent to the other body for its consideration. Should either the House or the Senate sustain the Governor's veto, the Act is dead. If the two bodies of the General Assembly override the Governor's veto, it is sent to the Secretary of State's office and becomes a part of the statutes. The 20th day after the date of the Act's approval by the Governor it shall become effective unless some other day be specially named in the Act.

Sometimes what the Legislature wishes to accomplish cannot be done simply by the passage of a Bill and requires a Constitutional amendment. In such an event, a Joint Resolution is drafted to propose an appropriate amendment to the Constitution. Such a Joint Resolution is introduced in the same manner as other Bills and Resolutions and follows the course of ordinary Bills. It must be passed in each house by a two-thirds vote of all the Members elected, and it does not require the approval of the Governor. It is then submitted to the voters of the State at the next general election. If a majority votes in favor of the amendment, a Bill to ratify the amendment to the Constitution is introduced in the next session. It must pass by a simple majority vote and does not require the signature of the Governor.

COMMITTEES

One of the common misconceptions about the Legislature is that the members are at work only for three days a week when the Legislature meets. What the public fails to realize is that most of the work of the Legislature is done by committees. Actually, they are the backbone of the legislative process. Before any Bill of general importance is considered on the floor of either body, many hours of careful work are spent by the members of the standing committee to which the Bill is referred. The Legislature as a whole, therefore, relies on its committees to work out the frivolous or less important measures and to report those deserving the consideration of the entire House or Senate.

By working through its standing committees, it is possible for each house of the Legislature to have each Bill considered by a group of Members who have spe-

cialized in the subject of the Bill. Some Members of the Legislature have expert knowledge of particular subjects of legislation, and such Members are usually placed on committees in such a manner as to take full advantage of this specialized knowledge. For this reason, the Legislature usually accepts the recommendations of the standing committees. As has been noted, however, the Legislature does not abdicate its responsibility for the careful consideration of pending Bills. A great deal of legislative work is done by interim committees, or committees which are appointed to consider important subjects of legislation between the sessions of the Legislature. Interim committees usually are composed of Members of both houses and Governor's appointees, and they meet to consider special problems which the Legislature thinks should be studied carefully.

In this respect, the Legislative process may be aptly compared with the iceberg. What the casual observer sees of the legislative process, as he observes the Legislature in session, is comparable to the one-eighth of the iceberg which is visible above the water. The background work of studying problems requiring legislative solution is comparable to the submerged seven-eighths of the iceberg. It is not apparent on the surface, but it is there.

This background work of study and research is probably the most important aspect of the legislative process. And its importance will increase even more as the problems of our society with which the Legislature deals grow ever more technical and complex.

GLOSSARY OF LEGISLATIVE TERMS

ACT — Legislation enacted into law. A Bill which has passed both houses of the Legislature, been enrolled, ratified, signed by the Governor or passed over the Governor's veto or becomes Law without his signature, and printed. It is a permanent measure, having the force of law until repealed.

ADJOURNMENT — Termination of a Session for that day, with the hour and day of the next meeting being set prior to adjournment.

ADJOURNMENT SINE DIE — Final termination of a regular or special legislative session without a date set for reconvening.

ADOPTION — Approval or acceptance; usually applied to amendments or resolutions.

AGENDA — Schedule of business proposed for consideration.

AMENDMENT — Any alteration made or proposed to be made in a Bill or clause thereof, by adding, changing, substituting or omitting.

AMENDMENT, CONSTITUTIONAL — Joint Resolution passed by two-thirds vote of each house which affects the Constitution and requires approval by voters at a general election.

APPEAL — A parliamentary procedure for testing and possibly changing the decision of a presiding officer.

APPORTIONMENT — Establishment of legislative districts from which Members are elected.

APPROPRIATION — Fund allocated for various purposes set aside by formal action for specific use.

APPROVAL BY GOVERNOR — Signature of the Governor on a Bill passed by the Legislature.

ARCHIVES — Historical records stored at Department of Archives and History.

ATTACHE — A legislative staff member, hired or appointed to perform clerical, technical or official duties.

BICAMERAL — A Legislature containing two houses.

BILL — Draft of proposed law presented to the Legislature for consideration.

BILL, DEFICIENCY — Bill appropriating funds to programs for which the original appropriation proved insufficient.

BILL HISTORY — Record of all the action on any given proposal. The term is also applied to action on Resolutions and Joint Resolutions.

BILL INDEX — List of legislative Bills by subject matter or number.

BILL, SKELETON — A measure, introduced in outline form, substance being amended into it at a future date.

BOOKKEEPING DEPARTMENT — Handles matters for Members dealing in the areas of compensation, subsistence and mileage, retirement, insurance, Workmen's Compensation, payment for interim committee meetings, etc.

BUDGET — Suggested allocation of State moneys compiled by the Budget and Control Board in conjunction with department heads and presented to the Legislature for consideration.

BUDGET AND CONTROL BOARD — Composed of Governor, State Treasurer, Comptroller General, Chairman of Senate Finance Committee and Chairman of House Ways and Means Committee. Responsible for drafting of the annual budget for the State.

CALENDAR, DAILY — List of pending legislation, arranged according to the order of business, which is scheduled for consideration by the Rules on a legislative day. Printed daily and placed on the Members' desks each morning. (House Rule 6.3; Senate Rule 34.)

CALL TO ORDER — Notice given indicating the Legislature is officially in session. Also used to call a disorderly Member to order.

CARRY-OVER LEGISLATION — Legislation held over from the first year of a two-year session.

CAUCUS — An informal meeting of a Group of the Members, sometimes called on the basis of party affiliation.

CENSURE — An act by a Legislative body to officially reprimand an elected official for actions by that official while in office. The act of censuring is an official con-

demnation for actions committed by a public official while holding a position of trust.

CHAIR — An abstract designation of presiding officer or chairperson.

CHAMBER — Official hall for the meeting of a legislative body.

CHAPLAIN — Elected officer who opens daily sessions with prayer.

CLERK — A non-member officer elected by the body as its administrative officer and advisor on parliamentary procedure. Performs duties as prescribed in the Rules of the respective houses.

CLINCHER — When a Bill has received a reading and a motion to reconsider has been tabled, this is referred to as the clincher, due to the fact that there is no other parliamentary maneuver that can bring that bill up for consideration again.

CODE OF LAWS — Contains the general permanent statutory law, the South Carolina Constitution, and other matters determined by the Legislative Council. Alterations or additions to any of the laws contained in the Code may be made only by act passed under the formalities required by the Constitution. Cumulative supplements showing changes to the Code must be prepared and published annually under the supervision and direction of the Legislative Council.

COMMIT — The referral and sending of a Bill to committee or delegation.

COMMITTEE — A body of Members appointed by the Speaker to consider and make recommendations concerning disposition of Bills, Resolutions and other related matters.

COMMITTEE, AD HOC — Committee appointed for some special purpose. The committee automatically dissolves upon the completion of that specified task.

COMMITTEE CHAIRMAN — A Member elected to function as the parliamentary head of a standing or special committee.

COMMITTEE, CONFERENCE — Committee composed of three Members of both houses, appointed by the presiding officers, to resolve differences between

the two houses on an amended Bill. The committee reports recommendations or amendments back to the respective houses for further action.

COMMITTEE, FREE CONFERENCE — Same as conference committee, with additional power to insert new matter, to facilitate compromise. (Free Conference Powers are granted by two-thirds vote of the membership of each house.)

COMMITTEE, INTERIM — Committees appointed to study a specific problem between sessions, to report to the Legislature before a certain date with recommendations. Such committees are usually created by Concurrent Resolution.

COMMITTEE, JOINT — Committee composed of Members of both houses.

COMMITTEE REPORT — An official release from a committee of a Bill or Resolution, either without a recommendation, or with a specific recommendation, such as favorable; favorable with amendment; majority favorable, minority unfavorable; majority favorable with amendment, minority unfavorable; or unfavorable.

COMMITTEE, STANDING — A committee appointed with a continuing responsibility in the general field of legislative activity.

COMMITTEE OF THE WHOLE — The House may resolve itself into a Committee of the Whole to consider unique or special matters, acting under usual parliamentary procedure, with the Speaker appointing a Chairman to preside. (House Rule 4.9 through 4.12.)

COMPANION MEASURE — Identical Bill introduced in both houses.

CONCURRENCE — Action by which one house agrees to a proposal or action which the other house has approved. A proposal may be adopted or amended and returned to the other house for concurrence.

CONFIRMATION — Approval by Senate, or the House, of an executive appointment.

CONFLICT OF INTEREST — Untenable position which threatens the ability of a legislator to vote impartially.

CONSTITUENT — A citizen residing within the district of a legislator.

CONSTITUTION, STATE — A written instrument embodying the fundamental principles of the State that guarantees powers and duties of the government and guarantees certain rights to the people.

CONTESTED SEAT — A situation in which two or more contestants claim the right to represent a given legislative district.

CONTINGENCY FUND — Money appropriated for any unforeseen expenses that may arise during the fiscal year.

CONTINUE — A motion to continue the Bill (House Rule 8.15; Senate Rule 36) carries it forward until the next session. Legislation continued in the last session of a two-year legislative term dies on Monday following the general election in November.

CONVENE — The meeting of the Legislature daily, weekly and at the beginning of a session as provided by the Constitution.

CO-SPONSOR — One of two or more persons proposing any Bill or Resolution.

DAILY BOOK — The daily Calendar, Journal and Bills up for consideration on a legislative day are "tied in" to hard backs on each Member's desk.

DAY CERTAIN — Adjournment with specific day to reconvene.

DEBATE — Discussion of a matter according to parliamentary rules.

DEBATE ADJOURNED — Postponement of the matter before the House, which may later be brought up for consideration.

DESK — The desk at the front of the chamber where much of the clerical work of the body is conducted. Also, generic term for the staff and offices of the Clerk.

DESK IS CLEAR — Statement by presiding officer, prior to motion to adjourn, meaning there is no further business.

DIED IN COMMITTEE — The defeat of a Bill in committee by not returning it to the whole House for further action.

DIGEST — A reference booklet, compiled every two weeks, containing a subject index and showing the status of all Bills and Resolutions acted on in the House and Senate.

DILATORY — Deliberate repeated use of parliamentary procedure to delay action on a legislative matter.

DISTRICT (LEGISLATIVE) — That division of the State represented by a legislator, determined by population, and distinguished numerically and by geographical boundaries.

DIVISION — Vote taken by roll call, with no record, other than the total, recorded in the Journal.

DIVISION OF THE QUESTION — Procedure to separate a matter to be voted upon into two questions, usually requested on an amendment.

EFFECTIVE DATE — A law becomes effective twenty days after approval by the Governor, unless a date is specified. Usually it becomes effective upon the approval by the Governor.

ENACTING CLAUSE — That clause of an Act which formally expresses the legislative sanction. It varies in different states but usually begins "Be it Enacted."

ENROLLED BILL — The final copy of a Bill passed by the Legislature, prepared in the Legislative Council.

EXECUTIVE SESSION — A session excluding from the chamber all persons other than Members and staff personnel authorized to remain.

EX-OFFICIO — Individuals appointed or elected by virtue of the position they hold.

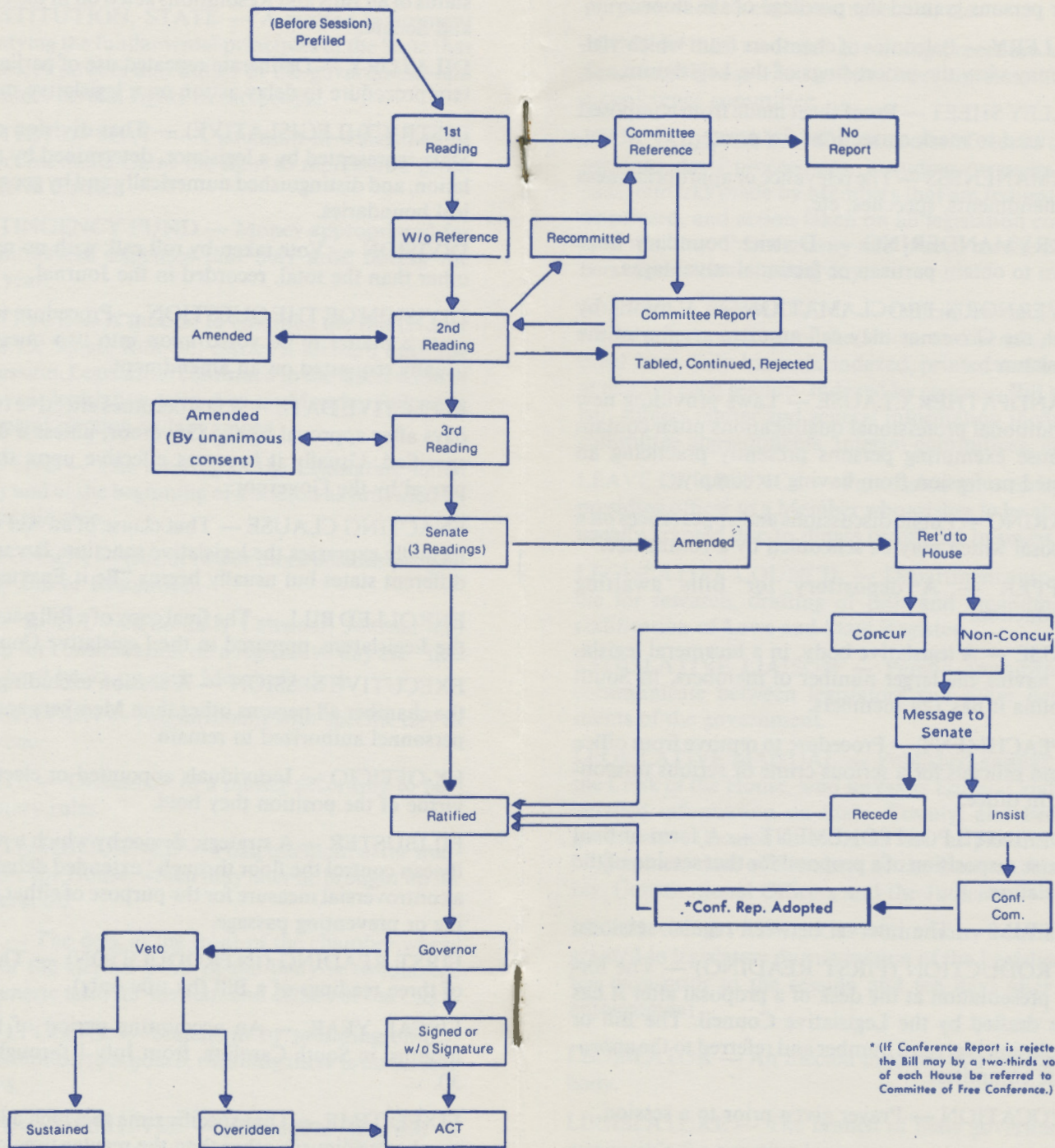
FILIBUSTER — A strategic device by which a minority can control the floor through "extended debate" on a controversial measure for the purpose of either delaying or preventing passage.

FIRST READING (INTRODUCTION) — The first of three readings of a Bill (by title only).

FISCAL YEAR — An accounting period of twelve months; in South Carolina, from July 1 through June 30.

FIXED TIME — That specific time to which a legislative body adjourns other than the regular time of convening on a subsequent legislative day.

HOW A BILL BECOMES AN ACT



* (If Conference Report is rejected, the Bill may by a two-thirds vote of each House be referred to a Committee of Free Conference.)

FLOOR — That portion of the assembly chamber reserved for Members and officers of the assembly and other persons granted the privilege of the floor.

GALLERY — Balconies of chambers from which visitors may view the proceedings of the Legislature.

GALLEY SHEET — Proof sheet made from composed type, used to mark corrections for printer.

GERMANENESS — The relevance or appropriateness of amendments, speeches, etc.

GERRYMANDERING — District boundary lines drawn to obtain partisan or factional advantages.

GOVERNOR'S PROCLAMATION — A means by which the Governor may call an extra session of the Legislature.

GRANDFATHER CLAUSE — Laws providing new or additional professional qualifications often contain a clause exempting persons presently practicing an affected profession from having to comply.

HEARING — Public discussions and appearances on a proposal which may be scheduled by a committee.

HOPPER — A depository for Bills awaiting introduction.

HOUSE — A legislative body, in a bicameral legislature having the larger number of members. In South Carolina it has 124 members.

IMPEACHMENT — Procedure to remove from office certain officials for a serious crime or serious misconduct in office.

INDEFINITE POSTPONEMENT — A form of final adverse disposition of a proposal for that session of the Legislature.

INTERIM — The interval between regular sessions.

INTRODUCTION (FIRST READING) — The formal presentation at the desk of a proposal after it has been drafted by the Legislative Council. The Bill or Resolution is given a number and referred to the appropriate committee.

INVOCATION — Prayer given prior to a session.

JOINT ASSEMBLY — Meeting of House and Senate usually in House Chamber, by Resolution, for specific purpose, such as elections, speeches, etc.

JOINT RULES — Rules governing procedure of the Senate and House when meeting in a Joint Assembly or a conference committee.

JOURNAL, DAILY — Contains a brief record of the previous day's proceedings, including messages, roll calls, remarks made by Members that are requested to be printed, and action taken on all legislation considered that day. Printed daily and placed on the Members' desks the following day.

JOURNAL, PERMANENT — Official chronological record of proceedings of the House and Senate, compiled from daily Journals, indexed, printed and bound at close of each session. Indexed by sponsor, Bill number, subject matter and general information including committee appointments, interim committees, etc.

LEAVE OF ABSENCE — Permission granted by the presiding officer to a Member who wishes to be absent, usually granted due to illness or official business.

LEGISLATIVE COUNCIL — Department responsible for research, drafting of Bills and amendments, codification of Laws and State Register.

LEGISLATIVE LIAISON — Person appointed to communicate between legislators and other departments of the government.

LEGISLATIVE MANUAL — Published annually by the Clerk of the House, who serves as Editor. Contains detailed information on State, County, and Federal government (located in S.C.), as well as pictures and biographical data of Members of the General Assembly, Constitutional Officers and the Judiciary.

LEGISLATIVE PRIVILEGE — Immunity from arrest granted to legislators during session of the Legislature, ten days prior to the session and ten days after the adjournment.

LEGISLATOR — An Elected member of a legislative body.

LEGISLATURE — The branch of State government responsible for enacting laws.

LOBBYIST — A representative of a special interest group whose function is to influence legislation affecting his special interest.

LOCAL — Refers to legislation pertaining only to the district which the Member represents.

MAJORITY LEADER — A Member of the majority party designated to be leader.

MAJORITY REPORT — Report which reflects the thinking of a majority of the committee members on an issue.

MEMBERS ELECT — Members elected but not having taken oath of office or officially serving.

MEMBERS PRESENT — The term used to refer to those Members who are actually present at a daily session.

MEMORIALIZE — Primarily to address or petition the Federal Congress, the President or others by Resolution.

MESSAGE — An official communication from one house to the other or from the Governor to the Legislature, usually transmitting Bills or Resolutions; they become part of the official Journal.

MICROPHONES — One microphone located on each pair of desks in the House, to be used by Members when addressing the Chair or Speaker. These are controlled by the Reading Clerk and after a Member is recognized, he should give his desk number, so his microphone can be turned on. The microphone should be held approximately two inches from mouth, speaking clearly.

MINORITY LEADER — A Member of the minority party designated to be leader.

MINORITY REPORT — A report which reflects the thinking of the Members not favoring the majority position on an issue.

MINUTES — Accurate record of the proceedings of a meeting in chronological order.

MOTION — Formal proposal offered by a Member of a deliberative assembly.

MOTION, DILATORY — Deliberate use of parliamentary procedure to delay.

MOTION PERIOD — In the House the motion period is limited to a ten-minute timed period (time for roll calls is excluded from the ten minutes) and comes immediately following the third reading contested Bills on the Calendar (House Rules 6.3 and 8.9). Three motions are made during this time. The motion to table is permitted and is not counted as one of the three main motions. Should the third motion fail, then the pending question is the second motion; or if only two motions have been made, the Chair would be open for a third motion. Example: A motion was made to recall S778 from the Committee on Judiciary. As a first substitute, a motion was made to recall H2819 from the Committee on Education and Public Works. As a second substitute, a motion was made to recall H2872 from the Committee on Ways and Means. There was a motion to table that motion which was rejected. The question then recurred to the motion to recall H2872, which was agreed to. Then the motion was made to dispense with the balance of the motion period, which was agreed to.

MOTIONS — Proper form for some of the most common motions would be as follows:

Adjourn: “Mr. Speaker, I move that the House do now adjourn.” This is a timed motion and can only be made every fifteen minutes.

Continue: “Mr. Speaker, I move that we continue the Bill.” This is a timed motion and can only be made once an hour on the same question.

Previous Question: “Mr. Speaker, I move the previous question on the (entire matter, amendments, etc)” This is a timed motion and can only be made once an hour.

Recall: “Mr. Speaker, I move that we recall (H2654 from Labor, Commerce and Industry, etc.)”

Recess: “Mr. Speaker, I move that the House recess until (set time).” This is a timed motion and is in order every fifteen minutes.

Recommit: “Mr. Speaker, I move that we recommit (H2567 to the Ways and Means Committee, etc.)” This is a timed motion and can only be made once an hour.

Reconsider: “Mr. Speaker, I move that the House reconsider the vote whereby it gave (second reading, third reading, etc.) to H2334.”

Recur to the Morning Hour: "Mr. Speaker, I move that we recur to the morning hour." This places the House in the same order of business as when it convened earlier the same day. Normally used to permit introduction of Bills or committee reports.

Table: "Mr. Speaker, I move that we table the (Bill, amendment, motion, etc.)" This is a timed motion and can only be made once an hour.

In the Senate the motion period follows the call of the local uncontested calendar. During this period any motions pertaining to the business of the Senate may be made.

NONCONCURRENCE — When one house refuses to agree with the other on a Bill or Resolution which the other house has amended.

NON-DEBATABLE — Those subjects or motions that cannot be discussed or debated.

OATH OF OFFICE — Oath taken by Members-elect of the Legislature prior to being seated and embarking upon official duties. In South Carolina the oath reads: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God."

OBJECTION — On a Bill, three Members must object in order to delay action, primarily used to allow time to read the Bill, draft an amendment, etc. On a concurrent or House resolution, objection by five Members will prevent immediate consideration and necessitate referral to committee by the Speaker; a committee sponsored resolution receives immediate consideration unless five Members object in which case the resolution is placed on the Calendar without being referred to a committee.

OFFICERS — That portion of the legislative staff elected by the House Membership, which includes: Speaker, Speaker Pro Tempore, Chaplain, Reading Clerk, Clerk, Sergeant-at-Arms and Assistant Sergeant-at-Arms; elected by the Senate Membership: President

Pro Tempore, Chaplain, Reading Clerk, Clerk, Sergeant-at-Arms and Assistant Sergeant-at-Arms.

OUT OF ORDER — Not being conducted under proper parliamentary rules and procedures.

PAGES — Located at the front of the chamber and available to assist the House Members. May be summoned by pressing the button on Members' desks. Pages supply extra copies of Bills and Resolutions, Journals, Calendars, Digests, reports, etc. All House pages are under the supervision of the Speaker's Office and appointed by the Speaker. Page recommendations should be directed to the Speaker in writing. The Senate pages are appointed by the Clerk of the Senate with advice of the Senators, and are available to run errands.

PAIRING — A written arrangement between two Members of a house by which they agree to be recorded on opposite sides of an issue, one being absent when the vote is taken. A pair is recorded in the Journal but not taken into account in tallying a vote. Pairing forms must be obtained from the Clerk and returned at the time the vote is taken by the Member present. (House Rule 7.8.)

PARLIAMENTARY INQUIRY — Question posed to chair for clarification of a point in proceedings.

PASSAGE OF BILL — Favorable action on a measure before either house.

PENDING QUESTION — The matter under consideration at the present time.

PER DIEM — Literally, per day; daily compensation rendered legislators.

PETITION — Formal request submitted by an individual or group to the Legislature.

POINT OF ORDER — A statement by a Member calling attention to an alleged breach of order or parliamentary procedure.

POINT OF PERSONAL PRIVILEGE — A statement defending the rights, reputation or conduct of a legislator in his or her official capacity.

POSTPONE INDEFINITELY — A means of disposing of an issue and not setting a date to again consider same.

POSTPONE TO A DAY CERTAIN — To defer consideration to a definite later time or day.

PRECEDENT — Interpretation of rulings by presiding officers on specific rules; also unwritten rules which are established by custom.

PREFILING — Introduction and referral to a committee of Bills prior to a legislative session.

PRESIDENT — By Constitutional enactment, the Lt. Governor is the presiding officer in the Senate and is referred to while presiding as "Mr. President."

PRESIDENT PRO TEMPORE — The person elected by the Senate to have the same powers as the President in the latter's absence.

PRESIDING OFFICER — Person designated to preside at a legislative session.

PREVIOUS QUESTION — A motion to close debate and bring the pending question to an immediate vote. This motion requires a majority vote of the House Membership when no one is speaking, and requires fifty percent of those present and voting, a quorum being present, plus five of the Members to interrupt debate. If immediate Cloture is ordered, debate is cut off at the end of two hours, equally divided between the opponents and proponents. If delayed Cloture is ordered, two hours of debate are allowed prior to the invocation of Cloture.

PRINT OUT — Copy of legislative information printed by computer.

PRIVILEGE OF THE FLOOR — Permission granted to a non-member of the body to be in that portion of a legislative chamber during session that is reserved for present and former Members and staff personnel; sometimes for the purpose of answering questions or addressing the body.

PROCEDURE — Rules and traditional practices of the respective houses of the Legislature.

QUORUM — The required number of Members present to transact business, which is 63 out of 124 House Members and 24 out of 46 Senators.

QUORUM CALL — A method used to establish the presence of a majority for the lawful transacting of business.

RATIFY — To approve and make valid. After a Bill has received three readings in each house, ratification is set by the Senate sending a message inviting the House to attend the Senate Chamber at a certain time. The House then stands in recess while the Speaker and Clerk, preceded by the Sergeant-at-Arms, proceed to the Senate Chamber, where the Bills are signed by the presiding officers and Clerks of the respective houses.

READING CLERK — An elected officer who assists the Clerk by calling the roll, tabulating votes, reading Bills, messages and Resolutions, etc., at the desk.

REAPPORTIONMENT — Re-division into equally populated election districts, based on most recent census.

RECALL A BILL — A motion which returns a Bill from a committee or the other house for further consideration. A Concurrent Resolution is needed to recall a Bill from the Office of the Governor.

RECEDE — Withdraw from an amendment or position on a matter.

RECESS — Intermission in a daily session.

RECOMMIT — To send back to committee.

RECONSIDERATION — A process whereby a measure previously adopted or defeated can be reopened (within the same day or the next legislative day only) and acted upon again. Once an action on a Bill or amendment has been taken, the motion to reconsider is in order. The motion to reconsider shall be taken up immediately, except while a speech is being made, when it is considered immediately after disposal of the pending matter.

REFERENDUM — A method by which a measure adopted by the Legislature may be submitted to popular vote of the electorate.

REFERRAL — The sending or referring of a Bill to committee.

REGULAR ORDER OF BUSINESS — The established sequence of business set up for each legislative day. (House Rule 6.3; Senate Rule 34.)

REGULATION — A rule or order of an agency promulgated under the authority of a statute passed by the Legislature.

REJECTION — An action which defeats an amendment, Bill, motion or other matter.

REPORT — Written notice to the House or Senate of action taken in committee on Bills.

RESCIND — Annulment of an action previously taken.

RESOLUTION, CONCURRENT — Affects the action of the General Assembly and the Members thereof; does not carry an appropriation; does not have the force of law, as an Act or Joint Resolution does, but records the sense of the two houses concurrently. Requires only adoption by each house.

RESOLUTION, JOINT — Has the same force of law as an Act, but is a temporary measure, dying when its subject matter is completed. It requires the same treatment as a Bill, and after passage, its title is not changed to that of an Act. When used to propose an amendment to the Constitution, it does not require the approval of the Governor but does require a two-thirds vote of the membership of each house.

RESOLUTION, SENATE OR HOUSE — Same as Concurrent Resolution, except is the expression of one house.

REVENUE — Yield of taxes and other sources of income the State collects.

ROLL CALL — The recorded vote on an issue; in the House, by an electrical tabulating machine visible to Members and connected to individual desk switches; in the Senate, by voice vote, names of Members being called in alphabetical order by the Reading Clerk.

ROSTER (LIST OF MEMBERS) — Booklet containing names and addresses of Members, officers and districts of each house for the current session.

RULES — Methods of legislative procedure; Joint Rules govern both houses, and Senate or House rules regulate only the one house.

SECTION — Distinct portion of each Bill.

SENATE — A legislative body in a bicameral legislature having the fewer number of Members. In South Carolina it has 46 Members.

SENIORITY — A custom sometimes used in making committee assignments.

SERGEANT-AT-ARMS — An officer elected by each house to maintain order under the direction of the presiding officer, as well as maintenance and upkeep duties of chambers and offices assigned to the respective houses.

SESSION — The formal, continuous convening of the Legislature, whether regular, extra or organizational, from the first legislative day to sine die (final) adjournment.

SESSION, ORGANIZATIONAL — Meeting held after the general election to officially organize the House of Representatives to transact business.

SINE DIE — Adjournment “without day” being set for reconvening. Final adjournment.

SPEAKER — Presiding officer and chief administrative officer of the House of Representatives, elected by the body.

SPEAKER EMERITUS — A past Speaker of the House; an honorary title.

SPEAKER PRO TEMPORE — Substitute presiding officer, taking the Chair on request of the Speaker in his absence. Elected by the body.

SPECIAL ORDER — Matter of business set for special time and day designated.

SPONSOR — Legislator who introduces a Bill, amendment or Resolution.

SPONSOR'S REPORT — Bi-weekly computer print-out of all legislation introduced to date by each member and the action to date.

STAND AT EASE — A term referring to that situation in which the body does not recess or adjourn but suspends its deliberations for indeterminate periods of time.

STANDING COMMITTEE — Regular committees of the Legislature, set up by the Rules to perform certain Legislative functions. House Committees are: Agriculture and Natural Resources; Education and Public Works; Interstate Cooperation; Invitations and Memorial Resolutions; Judiciary; Labor, Commerce and Industry; Legislative Ethics; Medical, Military, Public and Municipal Affairs; Operations and Management;

Rules; and Ways and Means. Senate Committees are: Agriculture and Natural Resources; Banking and Insurance; Corrections and Penology; Education; Ethics; Finance; Fish, Game and Forestry; General Committee; Interstate Cooperation; Invitations; Judiciary; Labor, Commerce and Industry; Medical Affairs; Rules; and Transportation.

STATE REGISTER — Contains proposed and finally adopted regulations for State Agencies. Additions to the State Register must be published by the Legislative Council at least once every thirty days.

STATE THE QUESTION — To place a question before the Legislative body for its consideration.

STATUTORY COMMITTEE — A committee created by statute.

STATUS OF BILL — The position of a Bill at any given time in the legislative process. It can be in committee, on the Calendar, in the other house, etc.

STATUTES — Laws enacted by the General Assembly. A law is enacted after it is passed by both the House of Representatives and the Senate. The general and permanent statutes at large are published annually in the Acts and Joint Resolutions which also contain the local and temporary laws enacted.

STRIKE OUT — The deletion of language from a Bill or Resolution.

SUBSISTENCE — Money paid to Members for daily expense.

SUPPLEMENTAL APPROPRIATION — Additional funds allocated over original appropriation.

TABLE — A means of disposing of a Bill or other matter.

TERM OF OFFICE — Duration of office of an official.

TITLE — A concise statement of the contents of a Bill.

UNANIMOUS CONSENT — Usually requested to suspend rules for a specific purpose.

UNCONTESTED — Refers to a piece of legislation which is not objected to by three Members of the House.

UNICAMERAL — A single body Legislature.

VETO — The action of a Governor in disapproval of a measure; on its return to the Legislature, each house either sustains the veto or overrides it.

VETO OVERRIDE — To pass a Bill over Governor's veto requires a two-thirds vote of Members present and voting of both houses acting separately.

VOICE VOTE — Oral expression of the Members when a question is submitted to their determination. Response is given by "ayes" and "nays" and the presiding officer states his decision as to which side prevailed.

VOTE — Formal expression of will or decision by the body.

VOTE, DIVISION — Vote taken by standing in the Senate and by roll call in the House, with no record, other than the total, recorded in the Journal.

VOTE, RECORD (ROLL CALL) — Roll call vote, which is recorded in the Journal.

WATS LINES — Six centrex phones are located by the windows in the chamber of the House and two WATS lines are located in the Senate for use by Members in placing calls within the State during the session.

WITHDRAW A MOTION — To recall or remove a motion according to parliamentary procedure.

WITHOUT RECOMMENDATION — A committee report which is neither favorable nor unfavorable.

YEAS AND NAYS — Recorded vote of Members on an issue.

YIELD — The relinquishing of the floor to another Member to speak or to ask a question.